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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/422,360	04/17/1995	MICHAEL Z. LOWENSTEIN	HML-201-A-1	7198

7590

07/30/2002

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HARRISVILLE, MI 48740

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

08/422,360

Applicant(s)

LOWENSTEIN, MICHAEL Z.

Examiner

Kim Huynh

Art Unit

2836

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 22 February 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See attached sheets.

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR

1.192(c)

1. Issues 1-2 are proper for appeal; issues 3-6 are not proper for appeal for the following reasons:

a. Issue 3, appellant's question is unclear.

In the event the question means that appellant disagrees with the Board's decision, appellant should have requested a rehearing of the Board's decision in a timely manner as discussed in section 1214.03 of the MPEP. The examiner has no authority to review the validity of the Board's decision.

In the event the question is whether the Board's decision rendered 7/25/00 addresses all the arguments presented by amendment filed 8/24/01; please note that it is not possible for the Board to anticipate and address future arguments which are not presented at the time of the decision.

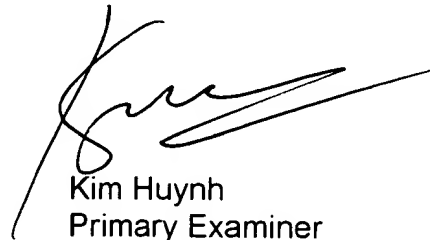
b. Issues 4-5, item 4(b) of the Final Rejection of 9/10/01 applies to all three declarations by Lowenstein, Kraus, and Pirrone.

c. Issue 6, the question of whether it is proper for the examiner not to consider the Declaration of John A. DeDad filed 1/9/02 is not subject to appeal but instead is subject to petition as discussed in section 1002.02 and 37 CFR 1.181.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703) 308-1678. The examiner can normally be reached on Mon - Thu, 6:30AM - 5:00PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0658.



Kim Huynh
Primary Examiner
Art Unit 2836

KH
April 19, 2002